

VZCZCXRO7072

PP RUEHAG RUEHAST RUEHDA RUEHDBU RUEHDF RUEHFL RUEHIK RUEHKW RUEHLA  
RUEHLN RUEHLZ RUEHNP RUEHPOD RUEHROV RUEHRS RUEHSL RUEHSR RUEHVK  
RUEHYG  
DE RUEHBS #0856 1730629  
ZNR UUUUU ZZH  
P 220629Z JUN 09 ZDK  
FM USEU BRUSSELS  
TO RUEHC/SECSTATE WASHDC PRIORITY  
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE  
RUEHGV/USMISSION GENEVA

UNCLAS BRUSSELS 000856

SIPDIS

DEPARTMENT FOR EUR/ERA and L/EUR

E.O. 12958: N/A

TAGS: [PREL](#) [PGOV](#) [EUN](#) [EI](#)

SUBJECT: EU LEADERS AGREE ON GUARANTEES FOR IRELAND; NEW IRISH VOTE  
ON LISBON TREATY EXPECTED FOR OCTOBER

¶1. SUMMARY: EU leaders in their June 18-19 European Council meeting  
painfully agreed on the format of guarantees designed to persuade  
Irish voters to back the Lisbon Treaty in another referendum. The

specific guarantees do not alter the Lisbon Treaty but provide  
interpretation of it. They basically assure the Irish that nothing  
in the new treaty will affect the country's legal provisions on  
ethical and family matters, its ability to determine its own tax  
regime, or affect Ireland's traditional policy of military  
neutrality. The deal on the Irish guarantees enables PM Cowen to  
proceed with plans for a new referendum expected to be held in early  
October. END SUMMARY.

¶2. EU leaders in their European Council conclusions reaffirmed  
their wish to see the Treaty of Lisbon enter into force by the end  
of 2009. Following on their December 2008 meeting, which had noted  
that concerns of the Irish caused a "No" vote in the June 2008  
referendum, the leaders signed off on a series of guarantees as part  
of an overall package designed to persuade Irish citizens to express  
a positive vote on the treaty in a second referendum. The leaders  
recalled their December 2008 decision to the effect that, QUOTE  
Provided that the Treaty of Lisbon enters into force, the Commission  
shall continue to include one national of each member state. END  
QUOTE

¶3. The other concerns of the Irish people relating to taxation, the  
right to life/abortion, education and family life, and Ireland's  
policy of military neutrality were dealt with in a package of legal  
and political texts negotiated among EU Member State governments  
over the past few weeks. While the substance of such guarantees  
decided in principle by the leaders in December 2008 was not really  
controversial, their legal format proved somewhat difficult to  
determine. Ireland pushed for legal assurances to be attached as  
protocols to a future EU treaty, thus enshrining them in EU primary  
law. However, some countries, led by the UK, feared this involved  
the risk of reopening a domestic debate on ratification of the  
Lisbon reforms.

¶4. Speaking at the final press conference with Commission President  
Barroso on June 19, Czech PM Jan Fischer stressed that the texts  
accepted by Ireland and the other Member States should be taken as  
"exploratory and clarifying texts" that change "not a dot nor a  
comma to the Lisbon Treaty." The package annexed to the European  
Council conclusions consists of:

-- A Decision of the Council (a legally-binding document) that is  
intended to cover Irish concerns on ethical, family/education  
issues, taxation and security and defense. In essence, the Decision  
applying to all Member States basically reaffirms national  
prerogatives. Effective on the date of the entry into force of the  
Lisbon Treaty, they will enable the Irish government to withstand  
any domestic challenge that the new treaty might force the country  
to change its policies and legislation in the areas concerned.

-- A "Solemn Declaration of the European Council on Workers' Rights  
and Social Policy" (not legally binding), reaffirming "the high  
importance" attached by the EU to social progress and the protection  
of workers' rights, public services as an instrument of social and  
regional cohesion, the responsibility of Member States for the  
delivery of education and health services, and the discretion of

national, regional and local authorities in providing, commissioning and organizing services of et.

-- A "national declara Treaty of Lisbon followote in the new referendum, this declaration would b associated with Ireland's instrument of ratiication.

15. A final sticking point that delaQed the leaders' agreement on the package unti, June 19 was the question of whether the guarantees provided by way of the Council Decision would, in time, acquire full treaty status by way of a treaty protocol. The Irish recognized that such a protocol could not be adopted before the Lisbon Treaty comes into force. They insisted, however, on a "clear and unequivocal commitment that, at a future point after the Lisbon Treaty enters into force, the legal guarantees contained in the decision" would be "attached to the EU treaties by way of a protocol." Agreement on the shape of the deal followed an early morning meeting between Taoiseach Brian Cowen and UK PM Gordon Brown, at which the latter indicated that the UK would no longer stand in the way of a reference to a future protocol.

16. While reaffirming that the content of the Decision will not necessitate any re-ratification of the Treaty of Lisbon, the leaders stated that they will "at the time of the conclusion of the next accession treaty, set out the provisions" of the Decision in a protocol to be attached, in accordance with their respective constitutional requirements, to the Treaty on European Union and the Treaty on the Functioning of the EU (read: the consolidated EU treaties as they will appear following the entry into force of the Lisbon Treaty).

17. Irish PM Brian Cowen told reporters: "I am confident now that we have a solid basis to go to the Irish people and ask them again to ratify the treaty so that Europe can move on. I expect that we would be ready to have a referendum in early October." President Barroso opined that the package "gives Irish people all assurances they need." Barroso said he was very confident about the outcome of a new referendum "because the Irish government now has got everything it asked for" to be in "the best possible conditions to explain the exact contents of the Lisbon Treaty."

18. COMMENT. The deal on the Irish guarantees is a big relief for PM Cowen. It proved difficult to achieve, but was apparently reached without acrimony (Cowen openly praised Brown for his cooperation). The Taoiseach had candidly exposed his vulnerability on Summit's eve in a letter to fellow EU leaders, which was widely leaked to media. In the message, Cowen strongly underlined the necessity of being able to invoke a Treaty protocol in addition to any legally-binding Decision of the Council to provide him with greater legal certainty. Whether intended or not, the leak revealed how the Irish felt it necessary to take precautions to go back to voters and call another referendum that will soon determine the fate of long-awaited EU Treaty reforms.

MURRAY